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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/033,216

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Robert T. Long SR.

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05/04/2006

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EXAMINER

KATCHEVES, BASIL S

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,216

Applicant(s)

LONG, ROBERT T.

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant has added new claims 35 and 36 in the paper dated 10/24/05.

Pending claims 25-36 are examined below.

Claim Rejections - 35 USC § 102

Claims 25, 26, 28-32, and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,805,366 to Long as in the previous office action.

Regarding claims 25 and 29, Long discloses a wall panel comprised of insulation (fig. 2: 13) spaced between concrete layers (fig. 2: 14 & 16), having a plurality (fig. 1) of elongated connectors extending through the insulation layer and having opposite ends embedded in the concrete layers, wherein each connector has longitudinally extending portions (fig. 4: 21 & 28), spaced apart and connected by an internal web (fig. 4: 20) of thinner thickness. Long also discloses each connector as having first and second anchorage surfaces (fig. 4: 22 & 31) capable of transferring forces along the longitudinal portions.

Regarding claims 26 and 31, Long discloses the connector as inherently capable of transferring forces between concrete layers.

Regarding claims 27 and 32, Long discloses the connector as having a centrally located region comprising a perpendicularly extending lip (fig. 4: 32 & fig. 2: 36 & 38) for locating the connector within the insulation layer.

Regarding claim 30, Long discloses anchoring surfaces (fig. 4: 22 & 31) adjacent to the ends (51 & 52) which are inherently capable of transferring forces through the longitudinal portions.

Regarding claim 34, Long discloses the anchorage ends (22 & 31) as being anchored in concrete layers (fig. 2: 14 & 16) and are inherently capable of transferring forces from one concrete layer to the other.

Regarding claims 35 and 36, Long discloses an anchoring surface formed transversely across the longitudinally extending portion (fig. 4: components 39 & 36 occupy a plane which is transverse to the longitudinally extending portions 21 & 28).

Claim Rejections - 35 USC § 103

Claims 28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,805,366 to Long in view of U.S. Patent No. 5,996,297 to Keith as in the previous office action.

Regarding claim 28 and 33, Long does not disclose the connector as made from a fiber reinforced polymer having lower conductivity than steel, wherein the polymer is thermoplastic resin and thermoset resin. Keith discloses a connector for insulated walls made from such materials (column 4, lines 38-40 & column 12, lines 58-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Long by using the polymer material, as disclosed by Keith, in order to decrease weight while increasing the strength of the connector.

Response to Arguments

Applicant's arguments filed 10/24/05 have been fully considered but are not persuasive. Applicant argues that Long does not disclose two portions which extend longitudinally and are separated by a web portion. The applicant refers to the drawings, stating that this is not the language of the specification. However, the applicant should note that the drawings and the specification are a guide for better understanding the claimed limitations, and the limitations of the drawings and of the specification are not imported into the claims. If the applicant should import these limitations into the claims in order to circumvent the prior art limitations. The applicant should note that the limitations are merely two portions which extend longitudinally and a web portion having a thinner or equal width in between. Long discloses two portions which extend in a longitudinal direction, these two portions have a thinner (web) portion in between (as written in the rejection above). The limitations of the web portion are met, as claimed, as are the limitations of the longitudinal portions.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK *BK*
4/27/06


Carl D. Friedman
Supervisory Patent Examiner
Group 3600